



DEPARTMENT OF EDUCATION

Dr. Jennifer McCormick
Superintendent of Public Instruction

Working Together for Student Success

January 30, 2017

RECEIVED

JAN 31 2017

Indiana Office of the Inspector General

Mr. James Clevenger, Chairman
Indiana State Ethics Commission
315 West Ohio Street, Room 104
Indianapolis, IN 46202

Subject: Waiver of post-employment for Michelle Walker

Dear Mr. Clevenger:

As the Superintendent of Public Instruction, I am writing to you to express my support and approval of the Indiana Department of Education's (IDOE) waiver of post-employment restrictions for Michelle Walker's proposed employment with Questar Assessment, Inc. and Pearson Education (limited to activities outside of Indiana).

I regret that I am unable to appear in person to present the waiver. Unfortunately, I have scheduling conflicts involving previously scheduled meetings and legislative activities. When I became aware of these scheduling conflicts, I asked the IDOE's Chief of Staff, LeeAnn Kwiatkowski, and the IDOE's General Counsel, Marsha Bugalla, to attend the Commission meeting on my behalf. I understand that I.C. 4-2-6-11(g) requires the state officer or appointing authority authorizing the waiver to present it to the Commission, and I greatly appreciate your granting my request for this alternative arrangement in advance of the February 9th meeting.

I fully support and approve this waiver as Ms. Walker's activities will exclusively be outside Indiana.

Thank you for your consideration of this matter

Sincerely,

Dr. Jennifer McCormick
Superintendent of Public Instruction

cc: Indiana Office of Inspector General
Marsha Bugalla, IDOE Ethics Officer



Dr. Jennifer McCormick
Superintendent of Public Instruction

DEPARTMENT OF EDUCATION

Working Together for Student Success

STATE ETHICS COMMISSION

JAN 27 2017

FILED

**IC 4-2-6-11
Post-employment waiver**

As the Appointing Authority of the Indiana Department of Education, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Dr. Michele Walker in her post-employment with Questar Assessment, Incorporated and Pearson Education.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*
- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
 - IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
 - IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
 - IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Dr. Walker served as the Director of Student Assessment at the Indiana Department of Education. During that time, staff members reporting to Dr. Walker were responsible for the day-to-day operations of the Questar and Pearson contracts, and Dr. Walker provided oversight of the assessment contracts. Dr. Walker participated in weekly meetings with vendor leadership to ensure contracts were appropriately implemented.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

In working for Questar, Dr. Walker would provide oversight for subcontractors working with Questar on state assessment programs (not including work related to Indiana). Dr. Walker would focus on communication, tracking, and logistics. In working for Pearson, Dr. Walker would work on test development and standard setting (not including work related to Indiana).

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

Prospective employment at Questar and at Pearson would not involve contact with the Indiana Department of Education.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

As the prospective employment is related to developing and furthering best practices in the testing industry, it is in the public's interest for Dr. Walker to be employed by these assessment companies.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

As during the restructuring/reorganizing of the Indiana Department of Education at the beginning of Dr. McCormick's term of office it was determined that Dr. Walker's services would no longer be needed, denying the request for a waiver would impact Dr. Walker's employment and cause economic hardship.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Dr. Jennifer McCormick

Jan - 27, 2017
DATE

2. Ethics Officer of agency

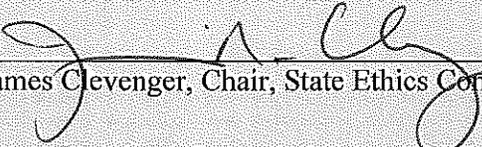
By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Marsha Bugalla

Jan 27, 2017
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
 _____ James Clevenger, Chair, State Ethics Commission	<u>2/9/17</u> Date